IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1394 (SS) of 2006

Shiv Prasad Sati,
S/o Sri Chandramani Sati,
R/o village – Devasthan,
Post Office – Pokhari,
Tehsil – Pokhari,
District – Chamoli and ten others. **.....Petitioner.**

Versus

1. State of Uttaranchal though Secretary Education, Uttaranchal, Dehradun.
2. District Basic Education Officer, Chamoli.
3. Basic Education Officer, Pokhari, Chamoli.
4. Deputy Basic Education Officer, Pokhari, District - Chamoli.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri R. P. Nautiyal, learned counsel for the petitioners and learned Standing Counsel for the State on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *to issue the writ, order or direction in the nature of Mandamus commanding the respondent authorities to pay the honourarium to the petitioners on the post of Shiksha Mitra in their respective places of posting in Block – Pokhari, District - Chamoli.*
2. *pass any other and further orders, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*
3. *Award cost of the writ petition to the petitioner.*

On 13.12.2006, this court passed following order:

"Learned Counsel for the parties are present.

Heard.

On the last date, learned Standing Counsel was allowed two weeks time to file counter affidavit but no counter affidavit has been file so far.

In the circumstances, this court is inclined to pass the following interim order:

The respondents shall pay the honourarium to the petitioners if they are working as Shiksha Mitra, until further orders, but not beyond the term for which they are appointed.

Learned Standing Counsel prays for and is allowed further two weeks time to file the counter affidavit.

Interim Relief Application no. 13803 of 2006 stands disposed of."

Today short counter affidavit has been filed by the respondents. In para 5 of short counter affidavit it is stated by the respondents that in compliance of the order passed by the Hon'ble Court, Additional District Education Officer (Basic), Chamoli has sanctioned honourarium in respect of Shiksha Mitra, who are working in Block – Pokhri, amounting to Rs. 1,20,000/-

In para 6 it is stated relief sought by the petitioners has already been redressed, and consequently, writ petition has become infructuous.

Along with short counter affidavit letter of District Education Officer (Basic) Chamoli darted 28.12.2006 is also filed which shows that amount of Rs. 1,20,000/- has already been sanctioned honourarium to Shiksha Mitra, who are working

in Block – Pokhari. Along with forwarding letter a list of 11 persons, who are working as Shiksha Mitra in Block – Pokhari in annexed. However, in the forwarding letter number of Shiksha Mitra is mentioned as five.

Writ petition is disposed of with a direction to the respondents to make payment of the honourarium to the petitioners, in case, they were appointed and are working as Shiksha Mitra of the period, for which their appointments are valid.

With this direction, writ petition as well as C.M. Application no. 82 of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

February 20, 2007
Sksharma